

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGICAL EXAMINERS
DOCKET NO.

In the Matter of the Suspension)
or Revocation of the License of)

ANDREW CANGELOSI, Ph.D.

To Practice Psychology in the)
State of New Jersey)

Administrative Action

ORDER

FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS

ON March 10, 1997

This matter was opened to the State Board of Psychological Examiners ("Board") on or about February 4, 1997 upon a Notice of Motion filed with the Board by Deputy Attorney General Steven J. Zweig on behalf of Kean College of New Jersey. The application requested an order permitting disclosure to Kean College of the following information: (1) the identities of every former or current student at Kean College who is mentioned as a client in the complaint filed with the Board against Dr. Cangelosi by the Office of the Attorney General; (2) the transcript of sworn testimony and the contents of sworn written answers provided to the Board in this matter; (3) the contents of a "side agreement" entered into between the Board and Dr. Cangelosi; and (4) all investigative reports and records relating to the Board's investigation of Dr. Cangelosi.

The motion for release of the various confidential documents as set forth above was accompanied by a letter brief by D.A.G. Zweig and was opposed in a letter brief submitted by Michael Edelson, Esq., counsel for Dr. Cangelosi. D.A.G. Zweig also

submitted a brief reply to Mr. Edelson's opposition to Kean College's motion.

The Board reviewed all of the documents submitted by the parties and deliberated during its regular meeting on February 24, 1997.

DISCUSSION

As a preliminary matter, Dr. Cangelosi did not object to disclosure to Kean College of the contents of the "side agreement" entered into between the Board and Dr. Cangelosi. This "side agreement" consists of a letter agreement supplementing the Consent Order dated May 3, 1996 entered into between the Board and Dr. Cangelosi. In view of the fact that the letter agreement deals in large part with the conditions attached to Dr. Cangelosi's teaching responsibilities at Kean College and does not contain any confidential information pertaining to any other persons, the Board agreed that there was no reason to withhold disclosure of this particular document.

The remaining information sought by Kean College concerned the identities of persons named in the complaint filed by the Attorney General on behalf of the Board and who were identified only by initials. In addition to the identities of these persons, Kean College sought the transcripts of sworn testimony and/or written answers provided to the Board as well as investigative reports and records relating to the Board's investigation of Dr. Cangelosi. A review of these records disclosed to the Board that the identities and/or information that could lead to the

identification of certain Kean College students appeared throughout the documents. Although there were some sections of the documents containing testimony or investigative information without naming specific persons, the information generally pertained to Dr. Cangelosi's relationship with these specific students.

Kean College argued that the Board should disclose the information to it because of its need to investigate Dr. Cangelosi, a tenured professor at the College, for the purpose of determining whether he represents any potential risk of harm to current and future students. Kean College further submitted that the information was necessary to its investigation of Dr. Cangelosi because it had no other way to discover the names of students who could be interviewed to discover information bearing upon Dr. Cangelosi's treatment of students. Kean College also advised in its moving papers that it would agree to abide by conditions set by the Board for preserving the confidentiality of these records so long as those conditions did not interfere with the College's investigation.

The motion was opposed by Dr. Cangelosi primarily on the basis of maintaining the confidentiality between a counselor and his client. Dr. Cangelosi himself never received copies of transcripts or the Board's investigative files and was concerned that confidential information in regard to prior clients presumably was included in the investigative files and reports of the Board.

The Board's overriding concern in regard to the request placed before it was the confidentiality of students at Kean

College who were seen for counseling and/or therapy by Dr. Cangelosi and who inadvertently, for the most part, became involved in the Board's investigation. In anticipation of this motion, the Board mailed a questionnaire to the students at issue asking whether they consented or objected to a release of information to Kean College. All of the students, with the exception of one, who responded to the questionnaire stated in no uncertain terms that they wished their confidentiality to be maintained. One former student who participated voluntarily in the initial investigation advised the Board that she had no objection whatsoever to a release of information in the Board's investigative file concerning her testimony.

The Board deems the confidentiality of psychologist-patient relations to be that aspect of the profession of practicing psychology that deserves the most protection. Clients who consult a psychologist often divulge extremely personal information the disclosure of which could create a great deal of harm for themselves as well as for other persons. A psychologist's client needs to know that the confidentiality of everything that is said during a therapy session will be respected and protected by that psychologist and that no information will be disclosed except as required by law. The Board was very concerned that disclosure of the mere fact that a Kean College student was involved in counseling or was seeking therapy could create serious personal problems for these students. Each of the students certainly had his or her own reason for asking the Board to maintain their

confidences, and the Board believes that their requests should be honored.

In view of the fact that one student was willing to cooperate with Kean College on a voluntary basis and in view of the fact that Kean College could commence an investigation based on the information it had and would receive, albeit with greater difficulty and greater consumption of time and resources than if it had access to the Board's records, the Board was persuaded that the need to protect the confidentiality of Kean College students' therapy records outweighed the need of Kean College to investigate Dr. Cangelosi.

Upon consideration of the briefs and for all of the foregoing reasons,

IT IS ON THIS 10 DAY OF MARCH, 1997,

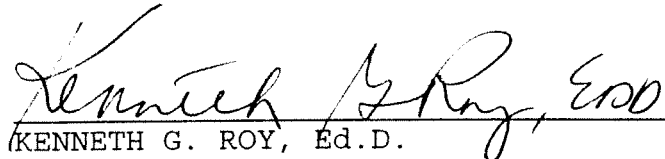
HEREBY ORDERED:

1. The request of Kean College for a copy of the "side agreement" filed as a supplement to the Consent Order dated May 3, 1996 between Dr. Cangelosi and the Board is hereby granted.

2. The request of Kean College for the identities of every former or current student at Kean College who is mentioned as a client in the complaint filed against Dr. Cangelosi is hereby denied. However, the Board will, upon further request of Kean College, contact the single student who agreed to a release of information concerning her testimony and investigative information and provide her with the name of a person to contact in the event

she wishes to assist in the investigation conducted by Kean College.

3. The request of Kean College for the transcripts of sworn testimony and all investigative reports and records relating to the Board's investigation of Dr. Cangelosi is hereby denied.


KENNETH G. ROY, Ed.D.
CHAIR PERSON
STATE BOARD OF PSYCHOLOGICAL EXAMINERS